



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
2890 WOODBRIDGE AVENUE
EDISON, NEW JERSEY 08837-3679

7/30/2020

Mr. Kevin Hale, Chief
Spill Response & Facility Compliance
New York State Department of Environmental Conservation
625 Broadway, 12th Floor Albany, NY 12233-7011

RE: Deferiet Paper Mill Site

EPA Site ID: A26F
CERCLIS ID: NYD002229269
400 Anderson Avenue
Deferiet, Jefferson County, New York

Dear Mr. Hale:

As you are aware, the U.S. Environmental Protection Agency ("EPA") Region 2 Superfund program is planning to commence a removal action at the Deferiet Paper Mill Site, Jefferson County, New York. To perform this action, the EPA will attempt to comply, to the extent practicable, with all applicable or relevant and appropriate State requirements ("ARARs"). This letter formally requests that the State of New York agree or identify any additional potential ARARs for this Site. A statement of work proposed for the removal action is attached for reference.

The EPA requests that an appropriate State official review the list of potential ARARs in the table provided below. To qualify as State ARARs, these requirements must be promulgated. A State requirement is promulgated if it is legally enforceable and of general applicability.

Your timely response will ensure that New York requirements will be considered when conducting the removal action. EPA requests that all information concerning State ARARs be received in writing within fourteen days of the date of this letter. Also, please feel free to contact me if additional information on the site is needed for the purpose of reviewing the enclosures.

Any State policies or guidance will be considered, even if they are not ARARs. The EPA will examine your responses to determine whether they are applicable, or relevant and appropriate to the site to the extent practicable. It is important to clarify, however, that all potential State ARARs identified in the tables may not be met during the removal action.

Should you have any questions concerning this matter, please do not hesitate to contact me at (732) 321-6658, or for technical issues, Joel Petty at (732) 321-4388.

Sincerely,

Joseph D. Rotola, Chief
Removal Action Branch
Emergency and Remedial Response Division

Enclosures

Deferiet Paper Mill Site

Proposed Removal Action – Statement of Work

The removal activities will include:

- Provide appropriate notifications to local, state and federal agencies;
- Conduct an engineering evaluation of each building/area where ACM or SACM was found to be present (boiler house, turbine building, paper machine room, beater room, wet room, alleyway, and company garage) to determine if any safe ACM abatement and/or encapsulation activities can occur;
- Develop a Project Design Plan by a Project Designer in accordance with Part 56 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York (“12 NYCRR Part 56”), also known as Code Rule 56;
- Bulk removal of asbestos debris in areas where this activity is determined to be safe for personnel;
- Abate ACM from piping and other structures in areas where this activity is determined to be safe for personnel;
- Apply encapsulant over ACM for stabilization of ACM in areas where this activity is determined to be safer for personnel than abatement;
- Install fencing or other barriers to limit access to areas where ACM is not addressed due to structural concerns with the buildings or other physical hazards;
- Repair and/or replace existing Site perimeter fencing;
- Place asbestos warning, no trespassing, and other signage around Site perimeter and building exteriors;
- Dispose of any additional containers of hazardous substances identified as impacting the environment during the course of the removal action properly at off-site facilities; and
- Off-site disposal of hazardous waste and/or substances will comply with the EPA Off-Site Rule, 40 CFR 300.440.

TABLE 1: POTENTIAL ARARs

Action Subject to Requirement	Requirement	Reason Why Requirement is an ARAR	Regulatory Citation
Cleanup of Asbestos Containing Material	Third Party Air Monitor; Abatement Procedures; Dust Controls; Transportation	To ensure that ACM is not carried off-site during demolition, consolidation, abatement and containment activities.	12 NYCRR Part 56
Demolition and Disposal of Asbestos Containing Material	Building Demolition; Wetting of Material	Utilization of best management practices under NESHAPS to protect public health, including keeping debris wet until material is disposed of.	40 CFR Part 61 Subpart M
Demolition and Removal of Asbestos Containing Material	Air Monitoring	The removal of contaminated materials may generate a release of regulated pollutants. Air monitoring for particulate matter along the perimeter of the operational are will be necessary to determine any releases off-site.	40 CFR Part 61: 42 U.S.C. Section 112(b)(1)
Transportation and Disposal of Material	Transportation; Disposal	To ensure the packaging and transportation of materials to off-site locations is in compliance with regulations.	RCRA